

MEMORANDUM OF LAW

DATE: March 17, 1987

TO: Charles G. Abdelnour, City Clerk

FROM: City Attorney

SUBJECT: Sponsorship of Initiative Petition

The "Save Mission Beach Park (Belmont Park) Initiative" has qualified for the ballot (Certificate of City Clerk, February 23, 1987) and direction has been given to place the initiative on the November, 1987 ballot. In face of this, you ask whether the initiative is defective because the notice of the petition was signed by one (1) individual, a Mr. Becker, who was not a registered voter of San Diego.

San Diego Municipal Code sections 27.2504 and 27.2507, Notice of Intention and Contents of Petition respectively, have a common phrase as emphasized below.

SEC. 27.2504 NOTICE OF INTENTION

No initiative petition may be circulated in the City until the proponents have published at least once in a daily newspaper of general circulation a notice of intention to do so.

The notice of intention shall contain the proposed legislative act in full and a statement containing, in three hundred words or less, the reasons for the petition. The statement must be signed by the individual proposing the petition, or in the case of an organization, by two officers.

SEC. 27.2507 CONTENTS OF PETITION

An initiative petition shall set forth the proposed legislative act in full, and shall be followed by a statement containing in three hundred words or less, the reasons for the petition. The statement must be signed by the individual proposing the petition, or, in the case of an organization, by two officers.

The instant petition fulfills these requirements since the signatories to the petition are officers of an organization. Of note is the requirement that, as to an organization, notice and content of the petition is supplied by signatures of "officers" not registered voters.

As to the petition itself, the specified wording in the

preamble suggested by Section 27.2508 does say "We, the undersigned registered voters ..." but refers to the signatures necessary to qualify the initiative and not simply to notice the intent and content of the petition since Section 27.2508 similarly references "two officers" if an organization is the proposing party. By the certification of sufficient signatures, the City Clerk through the Registrar of Voters has certified that the proper number of registered voters did accompany the petition.

Hence we find no invalidating element in the signature of Mr. Becker to the petition.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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ML-87-28